

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

CONVERGEN ENERGY LLC, et al.,

Plaintiffs,

v.

CASE NO.: 1:20-CV-03746 (LJL)

STEVEN J. BROOKS, et al.,

Defendants.

**SPECIALLY APPEARING DEFENDANTS' OBJECTIONS AND RESPONSES
TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION**

TO: CONVERGEN ENERGY LLC, L'ANSE WARDEN ELECTRIC COMPANY, LLC,
EUROENERGY BIOGAS LATVIA LIMITED, and LIBRA CAPITAL US, INC.
c/o Michael T. Stolper, Esq.
SEIDEN LAW GROUP LLP
469 7th Avenue
New York, NY 10018

Pursuant to Federal Rule of Civil Procedure 34, Specially Appearing Defendants Steven J. Brooks ("Brooks"), NianticVista Energy, LLC ("Niantic"), Gregory Merle ("Merle"), and Riverview Energy Corporation ("Riverview," collectively Defendants) hereby provide their Objections and Responses to the First Request for Production ("Requests") of Plaintiffs Convergen Energy LLC ("CE"), L'Anse Warden Electric Company, LLC ("L'Anse"), Euroenergy Biogas Latvia Limited ("Latvia"), and Libra Capital US, Inc. ("Libra") as follows:

GENERAL OBJECTIONS

1. Defendants' Responses are limited solely to documents and information within Defendants' possession, custody or control at this time. Defendants object to each Request to the extent that it seeks a response based on documents or information beyond Defendants' possession,

custody or control. Defendants reserve all rights to update these Responses as additional information or discovery is received.

2. Defendants object to the Requests to the extent they differ from or conflict with the obligations set forth in the Federal Rules of Civil Procedure, the Local Rules, the Rules of the Court or applicable law.

3. Defendants object to the Requests to the extent they are not narrowly tailored and targeted at documents or information needed to resolve Plaintiffs' motion for a preliminary injunction, the sole subject on which the Court has permitted expedited discovery, or to the extent the Requests otherwise exceed or vary from the scope of the Court's Order permitting expedited discovery.

4. Defendants object to the Requests to the extent they are duplicative, seeking documents or information both from Convergen Energy WI, LLC, and the same documents or information from employees, owners or agents of Convergen Energy WI, LLC. If documents or information are being provided by Convergen Energy WI, LLC, Defendants will not provide duplicative documents or information.

5. Defendants object to the Requests to the extent they seek disclosure of information or documents protected from discovery or other involuntary disclosure by reason of the attorney-client privilege, work product privilege or other rule of privilege or confidentiality provided by law, including, but not limited to, information concerning internal memoranda, notes and records prepared by Defendants' counsel.

6. Defendants object to the Requests to the extent they seek documents or information that are a matter of public record, or documents or information within the possession, custody or control of Plaintiffs or third-parties.